

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 3355 of 2004

Between:

Sri Sai Ram Development Society, Regd. Under A.P. Registrarion of Societies Act,
vide 411/2002 on 8-3-2000 rep by its President Smt. P. Venkata Ratnam. 32
years Seetarampuram, Ongole, Prakasam District

..... PETITIONER

AND

- 1 The Commissioner, A.P. Vaidya Vidhana Parishad, Sultanbazar, Hyderabad
- 2 The Direct Coordinator of Hospital Services, District Head Quarters Hospital, Ongole,
Prakasam District
- 3 The Medical Officer, Mother & Chidl Hospital, Ongole, Prakasam District
- 4 The Chairman, Hospital Advisory Committee, District Hospital, Ongole,
Prakasam District
- 5 S.Jala Rao, S/o Narasaiah,
The Prakasam Harijana Labour Contract Co-op Societies Ltd. Pakala, Singaraya
Konda Mandal,
Prakasam District
- 6 K.Hanumantha Rao, S/o Late Ramaiah,
The Somarajupally Co-op Society Ltd. Somarajupalli, S.Konda Mandal,
Prakasam District
- 7 A.Vamsikrishna, S/o A.V.Rao Vamsikrishna Nagar S.T.Labour Contract Co-op
Society Ltd.
Plot No.124, Vamsikrishna Nagar, Tarlupallu Road, Markapur, Prakasam District
(RR5 to 7 are impleaded as per Court Order dated 25/08/2004 in WPMP
16550/2004)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction, more particularly one in the nature of Writ of Mandamus and declare the action of the respondents proposing to allot work of sanitation, cleaning of toilets and floor areas of Mother and Child Hospital, Ongole to DWACRA Group, after displacing the members of the petitioner's society as illegal, arbitrary and violative of Art 19 (1)(g) of the Constitution of India and consequently direct the respondents to continue the members of the petitioner's society to carry the work of sanitation, cleaning of toilets and floor areas of Mother and Child Hospital, Ongole

Counsel for the Petitioner:MR.S.VENKATESWARLU

Counsel for the Respondent Nos.1 to 3 : MR.K.L.N.SWAMY

Counsel for the Respondent No.4: --

Counsel for the Respondent Nos.5 to 7: MR.P.VENKAT RAO

The Court made the following :

-

ORAL ORDER:

The petitioner has filed this writ petition seeking a Mandamus to declare the action of the respondents in proposing to allot the work of sanitation, cleaning toilets and floor areas of Mother and Child Hospital, Ongole to DWACRA Group, after displacing the members of the petitioner's society as illegal and arbitrary.

The petitioner was awarded sanitation work on 16.7.2000 initially for a period of six months and it was extended from time to time upto 30.9.2003. As the negotiations with DWACRA Group failed on 19.1.2004, the official respondents decided to call for tenders and

permitted the petitioner to continue to carry out the work for two more months until finalization of the tender proceedings or awarding the work to DWACRA Group. A tender notification was issued on 4.2.2004 calling for the tenders from the eligible candidates. Pursuant to the said tender notification, initially, 5th to 7th respondents filed their tender schedules.

The learned counsel appearing for the respondents 1 to 4 has submitted that though a tender notification was published, they would like to issue fresh tender notification in view of the fact that an interim direction was granted on 24.2.2004 by this Court in favour of the petitioner. However, I am not concerned with the calling of fresh tenders or with regard to the right of the unofficial respondents to pursue their tender schedules pursuant to the notification, but the only question arises for consideration in this writ petition is whether the members of the petitioner's society are entitled to continue to carry out the work of sanitation or not. The petitioner's society has no vested right and there is no agreement with the respondents and therefore, they cannot stall calling of the tenders for executing the work of sanitation, cleaning the toilets and floor areas of Mother and Child Hospital, Ongole. Moreover, there is no subsisting contract between the petitioner and the respondents. Therefore, the petitioner's society is not entitled to seek any relief.

For the foregoing reasons, the writ petition is dismissed. No order as to costs.

(V.ESWARAIAH, J.)

30th September, 2004.

To

- 1 The Commissioner, A.P. Vaidya Vidhana Parishad, Sultanbazar, Hyderabad
- 2 The District Coordinator of Hospital Services, District Head Quarters Hospital, Ongole, Prakasam District
- 3 The Medical Officer, Mother & Child Hospital, Ongole, Prakasam District
- 4 The Chairman, Hospital Advisory Committee, District Hospital, Ongole, Prakasam District
- 5 Two C.D. copies

Note: Furnish C.C. in three days

B/o

bcj